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providing a piston slidable within the cylinder, the piston being in the form of a thin wire;
inserting the second end of the tubing into a liquid sample; and
moving the wire piston away from the sample about a 5 - 20 mm. stroke to produce a 0.2 to 1.2 μ l sample.

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7. The method of delivering precise quantities of liquid samples in the range of 0.2 to 1.2 μ l as set forth in claim 6, said method comprising the following additional steps:
providing a funnel shaped tip which is mounted over the distal end of the cylinder;
and
connecting the first end of the tubing with the distal end of the cylinder by inserting it into the funnel shaped tip.

REMARKS

In further response to the FINAL REJECTION of January 2, 2003, and also in response to the advisory action of March 19, 2003, applicant hereby adds the above claims. In paragraph 5 of the office action the examiner takes the position that the function of a device is immaterial to the patentability of an apparatus claim. However, claims 1-5 as amended teach a structure which will perform the claimed structure, which structure is not taught by the prior art. Furthermore, it is established law under the "All-Limitations Rule" that elements in a claim are to be considered when determining equivalents. (see Cooper... v. Kvaerner... 62 U.S.P.Q.2d 1846 (Fed. Cir. 2002)). By like measure, the Patent Office should not ignore what a court will consider.

In addition, method claims are submitted at this time which clearly support the distinguishing function. Clearly nothing in the prior art teaches the subject matter of claims 6-7.